

REMARKS/ARGUMENTS

Applicant appreciates the Examiner's continued thorough search and examination of the present patent application.

Applicant notes with appreciation the Examiner's indication that applicant's previously filed Amendment was sufficient to overcome the prior rejections.

Claim Amendments

Claims 90, 92, 118-120, 122-124, 126, 153-155, 157, 158, 163, 164, 168-173 have been amended, and new claim 174 has been added. Numerous of applicant's dependent claims have been amended to provided updated identifying letters (e.g., (h), (i), etc.) to correspond with amendments to corresponding independent claims. Applicant notes the use of letters in the claims, such as (a) - (h) in claim 90, are provided to make the claims more readable, and are not meant to limit the claims in any sequence or order of operation. No new matter has been added.

Rejection under 35 U.S.C. §103(a)

Claims 90-173 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boe, et al. ("Boe," U.S. Patent No. 6,236,975) in view of Bergh, et al. ("Bergh," U.S. Patent No. 6,112,186) in view of AboutFace. Applicant respectfully traverses this rejection.

Applicant's amended claim 90 provides a method for "identifying and contacting an individual via a network." "Electronic identification information" is stored in a "database" that includes "visual" and/or "audio" information representing at least one person. A "first electronic request for information" is received "from a first user computing device operated by a first user." The "first electronic request" is "about at least one person within a first demographic." Moreover, "first electronic fact information" that is "generated" "using ... advertiser relevant information" and that "includes a brand of ... at least one or more advertisers" and "relates to a second demographic" is "transmitted" to the "first user computing device" with "first electronic information." The "first electronic identification information" is "selected from the electronic identification information" stored in the database and represents "one of the plurality of persons who is within the second demographic." "Message information" is received from the "first user computing device" and is "for the one" person who is within the second demographic.

Moreover, the message information is “transmitted” to a “second user computing device associated with the one of the plurality of persons who is within the second demographic.”

Applicant’s other independent claim 124 contain similar patentable features.

Neither Boe, Bergh nor AboutFace teaches, discloses or suggests this combination of features, nor does the combination of Boe, Bergh and AboutFace teach, suggest or disclose the combination of features set forth in applicant’s independent claims.

Boe is cited by the Examiner for teaching all of the elements of applicant’s claim 90, except for applicant’s claim 90 “first electronic fact information” that is generated using advertiser information, for applicant’s claim 90 electronic identification information that includes pictures, and for applicant’s claimed step of “receiving ... message information[.]”

Applicant submits that Boe is fundamentally different from applicant’s claimed invention. Boe is a tripartite system that includes survey system 12, business system 14 and customer system 16, which interface via network 18 and communication lines 20 (see, for example, column 2, lines 60-65). Boe clearly describes that customer information that is shared between the systems, particularly between business system 14 and customer system 16, is provided confidentially and not shared within a single system, such as within customer system 16. For example, customer-related information pertaining to an individual customer is provided in strict confidence to a business via business system 14, and is not shared with other customers via customer system 16 or survey system 12. Unlike applicant’s claims (and discussed in greater detail below), no customer in Boe receives applicant’s claimed “first electronic identification information” that represents any one customer via business system 14. Nevertheless, the Examiner cites, for example, to Boe’s network for showing that Boe allegedly teaches that customers can communicate with other customers.

Applicant submits that various passages of Boe are cited by the Examiner out of context in order to provide support for allegedly teaching features of applicant’s claims, when no such support exists. Boe is directed to “profiling customers for targeted marketing” (See Boe’s title). Boe’s aim is to collect information from its users that may lead to the purchase and sale of goods and services sold by respective businesses. In particular, Boe wants its customers to provide personal, demographic information about themselves, and also to respond to surveys that certain businesses want completed, with the eventual hope of a sale of the goods and/or services from

those businesses (see, for example, column 1, lines 61-63, column 3, lines 1-2, column 3, lines 40-43, and column 4, lines 56-58). Toward this end, Boe repeatedly identifies a need for an anonymous, non-intrusive and private environment to encourage users to provide “personal information” that is “beneficial to targeted marketing” (see, for example, column 7, line 48 to column 8, line 15, and column 3, lines 12-14). In order to encourage its customers to submit personal demographic information about themselves and to complete the surveys, Boe provides its users with “feedback showing where [they stand] relative to [their] peers” (column 3, lines 5-6). All of Boe’s feedback relates to anonymous statistics and percentages vis-à-vis groups of people, who are not individually represented. This is due to Boe’s need to preserve its customers’ anonymity to encourage its customers to submit personal information about themselves.

Boe’s feedback shows a customer’s actual or hypothetical standing in connection with one or more groups of people, such that the customer can see how he or she “matches up” (Figure 4e). However, there is no teaching, suggestion or disclosure that Boe’s system transmits “identification information” representing a second customer to a first customer, nor that message information from the first person and for the second customer can be received by Boe’s system, and transmitted to the second customer. On the contrary, Boe teaches security measures, such as encryption and the use of esoteric customer identification numbers, that prevent any information representing one customer from being revealed to another customer (see for example, steps 116-118, Fig. 3). In fact, Boe’s survey system 12 is not provided with a customer’s identity at all, except where a customer expressly indicates a desire to be put in contact only with a particular business, in which case the customer’s identity is encrypted, provided only to the particular business, and never revealed to other customers (see, for example, column 7, line 62 to column 8, line 15). Thus, no one customer of Boe’s system can use Boe’s system to identify and communicate with any other customer.

In the Office Action, the Examiner cites to particular portions of Boe that allegedly teach various features of applicant’s claims. The Examiner cites to the Figure 4e, item 532, Figure 4f, and Figures 4a, 4b, 4c, 4d, 4e and 4f of Boe for support that Boe teaches many features of applicant’s claim 90. For example, the Examiner cites to these same portions of Boe for allegedly teaching applicant’s claim 90 steps (b), (c), (d) and (e).

Boe Does Not Teach Applicant's Claim 90 Step (b)

In Boe and unlike applicant's claims, no "electronic request for information" is received from a user operating a computing device. Unlike applicant's claims, Boe's system makes a request to the user; the user does not submit a request to the system. Boe's customer submits information about himself or herself, either by initially providing demographic information (see column 3, lines 23-27) or, thereafter, in response to surveys (see column 3, lines 27-29). This is not tantamount to a "request" for information. As noted above, information that is submitted by a customer is used by Boe's system to provide feedback to the customer that represents the customer's position relative to other customers within the customer's actual or hypothetical demographic. However, no "request for information" *per se*, is received in Boe. Instead, a customer submits information about himself/herself, and Boe's system provides feedback about a group of people that Boe's system determines are in a similar demographic.

Boe Does Not Teach Applicant's Claim 90 Steps (c) and (d)

Step (c) of applicant's claim 90 requires "determining ... first electronic responsive information that comprises information which is at least responsive to the first electronic request." As noted above, Boe receives no such request and, accordingly, cannot determine information that is at least responsive thereto. Moreover and for the same reasons, Boe's system cannot "transmit" the "first electronic responsive information," as required by applicant's step (d).

Boe Does Not Teach Applicant's Claim 90 Step (e)

Applicant's claim 90 step (e) requires "generating ... first electronic fact information using advertiser relevant information." The first electronic fact information, among other things, "relates to the first electronic responsive information and further relates to a second demographic." Also required by step (e), "at least one trait or preference of the second demographic is not included in the first demographic." The Examiner cites to Figure 4e, item 532 ("the largest portion of people in your peer groups have rented for 3 to 5 years, and forsee [sic] purchasing a home in 1 to 2 years") and Figure 4f ("the largest portion of your peers have

their retirement funds invested in other ...”) for allegedly teaching applicant’s claim 90 step (e) “electronic fact information” that relates to the first electronic responsive information, and further that relates to the second demographic. However, in Boe there is no information provided that relates to applicant’s “first electronic responsive information,” nor is there any information that relates to a “second demographic” wherein “at least one trait or preference of the second demographic is not included in the first demographic.” In Boe's Fig. 4e, feedback regarding the customer’s demographic (“your peer group”) is displayed, and comparison statement 532 relates thereto, and not to first electronic responsive information in response to a first request about at least one person in a first demographic and, further, not to a second demographic wherein “at least one trait or preference of the second demographic is not included in the first demographic” as recited in applicant’s claim 90.

Furthermore, near the top of page 5 of the Office Action, the Examiner acknowledges that “Boe does not explicitly that [sic] the first electronic fact information is generated using advertiser relevant information.” However, the examiner cites to column 6, line 45 to column 7, line 10 for showing that Boe allegedly discloses presenting advertiser related information “as the user searches.” Although Boe’s system does present advertisements, the advertisements, as the Examiner acknowledges, are not used to generate the first electronic fact information. Moreover, unlike applicant’s claim 90, Boe does not include any “brand” of an advertiser in electronic fact information. By incorporating brand information in the electronic fact information, applicant’s claim 90 provides factual information that is more useful and interesting to the first user. The examples cited by the Examiner do not teach, disclose or suggest branded information that is included in factual information.

Boe Does Not Teach Applicant’s Claim 90 Step (f)

Applicant’s claim 90 step (f) requires “transmitting ...to the first user computing device, the first electronic fact information and first electronic identification information selected from the electronic identification information that represents one of the plurality of persons who is within the second demographic.” As noted above, Boe’s system does not provide to any customer electronic identification information about an other customer. Instead, Boe keeps customer contact information in strict confidence. The Examiner cites to Fig. 2, item 54

(customer identification table 54) for support that Boe allegedly teaches applicant's claimed electronic identification information that is transmitted to a first user. However, in Boe information stored in customer identification table 54 is provided confidentially and only for businesses (see steps 102, 104, 116 and 118, Fig. 3). Respectfully, no customer identification information stored in table 54 is transmitted by Boe's system from one customer to another, and Boe's system does not transmit applicant's first electronic fact information with first electronic identification information, as required by applicant's claim 90 step (f).

Boe Does Not Teach Applicant's Claim 90 Steps (g) and (h)

Applicant's amended claim 90 step (h) has been added to clarify how the first user can contact the second user. Applicant's claim 90 step (g) requires "receiving ... from the first user computing device, message information for the at least one of the plurality of persons who is within the second demographic..." Applicant's amended claim 90 step (h) requires "transmitting...the message information to a second user computing device associated with the one of the plurality of persons who is within the second demographic."

At the bottom of page 7 of the Office Action, the Examiner acknowledges that Boe does not explicitly disclose applicant's claim 90 step (g) ("receiving ... from the first user computing device, message information for the at least one of the plurality of persons who is within the second demographic"). The Examiner alleges, however, that Boe "discloses a network where it is possible that customers can communicate with other customers." Respectfully, that fact that Boe discloses a network is not dispositive. Boe does not teach, suggest or disclose enabling a customer to contact another customer because Boe assures anonymity. The Examiner cites to column 11, line 52 - column 12, line 12 for support of the Examiner's position that Boe provides, "information on EACH of the reviews from EACH other particular customer(s)" (Office Action, page 7). The Examiner concludes, "[h]ence, it is obvious that Boe's customer's [sic] can contact particular customers who have demographics or responses/reviews of interest" (Office Action, pages 7-8). Respectfully, the Examiner has mischaracterized the cited passage and has drawn an inference that does not follow from the premises. The cited passage of Boe (column 11, line 52-column 12, line 12) relates to Boe's interactive feature of providing an updated feedback page to the customer either at regular intervals about a plurality of anonymous people, or as a customer

responds to a survey. As a customer responds to prompts in a survey, the feedback page is updated to represent the most recent submission. Respectfully, the updating of the feedback provided by Boe's system is not tantamount to "message information" that is received from a first user and transmitted to a second user, in the context of applicant's claim 90. There is no teaching, suggestion or disclosure in this cited passage or anywhere in Boe that any one customer receives identification information representing any other customer, regardless of demographic or responses/review of interest. Therefore, it is not obvious that Boe's customers can contact each other, at least because the aim of Boe is to preserve each and every customer's identification information in confidence.

On page 8 of the Office Action, the Examiner cites to column 2, lines 15-35 of Bergh for providing an "example" of Boe's customers being able to contact other customers. Presumably, the Examiner cites to Bergh for teaching applicant's claim 90 feature of receiving "messaging information" for one of a plurality of persons who is within the second demographic, and that is missing from the teachings of Boe. Applicant submits that the Examiner erroneously concludes that it would be obvious that "Boe's customer's [sic] can contact particular customers," and that one would be motivated to do this "in order to better get feedback/information on products of interest." Bergh relates to an "exchange of user information and opinion using automated collaborative filtering" (see, for example, the title and abstract). Applicant does not dispute that Bergh's system enables its users to contact each other. Notwithstanding this, Boe's system expressly and consistently prevents its users from being able to contact each other by ensuring anonymity and security. Accordingly, Boe's system is not combinable with Bergh in the way that the Examiner has done. Thus, the combination of Boe and Bergh cannot render applicant's claims obvious.

Moreover, the Examiner cites to AboutFace for disclosing identifying users with pictures. Applicant submits, however and for the same reasons as set forth above with regard to Bergh, that Boe's paramount concern for ensuring its customers' anonymity precludes the ability for customers to contact each other, including through the use of pictures. Applicant submits that the Examiner has not presented a rationale or convincing line of reasoning why one who is skilled in the art would modify to Boe and combine Boe with Bergh and AboutFace, as the Examiner has done. Accordingly, applicant submits that the Examiner's rejection is improper.

For the reasons set forth above, applicant respectfully submits that features of claims 90, 124 and 158 recite features that are not taught, suggested or disclosed by Boe, Bergh and AboutFace and are, therefore, not obvious under 35 U.S.C. §103(a).

Claims 91-123, 125-157 and 159-174 depend directly or indirectly from claims 90, 124 or 158, respectively, and thus, are patentable as well as because of the combination of features in those claims with the features set forth in the claim(s) from which they depend.

Moreover, claim 163 recites that the “first user shares no identified traits or preferences with the at least one person within the first demographic.” Accordingly, the first user cannot be the at least one person with the first demographic that the first user is searching. Boe requires the user to submit information about himself/herself, and to answer survey questions that relate to the user. Applicant’s claim 163, therefore, is patentably distinct from the combination of Boe, Bergh and AboutFace, and, therefore is patentable as well.

Moreover, claim 164 recites that the “wherein the first demographic comprises at least one trait and preference which is not shared by the first user.” Accordingly, the first user cannot be the at least one person with the first demographic that the first user is searching. Boe requires the user to submit information about himself/herself, and to answer survey questions that relate to the user. Applicant’s claim 163, therefore, is patentably distinct from the combination of Boe, Bergh and AboutFace, and, therefore is patentable as well.

Conclusion

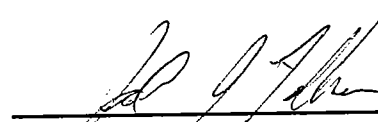
Therefore, and for the reasons set forth above, even if one were to combine the teachings of Boe, Bergh and AboutFace, as the Examiner has done, applicant’s claimed invention would not be taught. This is because, among other reasons, Boe does not teach, suggest or disclose receiving a request for information about at least one user. Moreover, Boe does not transmit applicant’s claimed “electronic identification information” to a user, and no message information is received in Boe for at least one person in a second demographic. Also, Boe only provides feedback information relating to groups of anonymous people, and only in response to demographic information or survey responses received from its customers. There is no teaching, suggestion or disclosure in Boe of generating and transmitting “first electronic fact information” that includes a brand and is generated using advertiser relevant information, and Boe’s feedback

is not provided in response to a request for information about at least one person in a first demographic, and that further relates to a second demographic.

Accordingly, and in view of the above-identified amendments to the claims and remarks set forth above, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON September 30, 2009.

Respectfully submitted,



Joel J. Felber
Registration No.: 59,642
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

DAM:JJF:ck